

THE CITY OF CLAYTON

Board of Aldermen
City Hall – 10 N. Bemiston Avenue
February 10, 2015
7:00 p.m.

Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Michelle Harris, Cynthia Garnholz, Mark Winings, Alex Berger III and Rich Lintz.

Mayor Sanger
City Manager Owens
City Attorney O'Keefe

Absent: Joanne Boulton

Alderman Winings moved to approve the January 13, 2015 minutes. Alderman Garnholz seconded.

The motion to approve the minutes passed unanimously on a voice vote.

PUBLIC REQUESTS AND PETITIONS

None

MOTION TO APPROVE A LIQUOR LICENSE FOR POLYGRIN, LLC DBA MANHATTAN EXPRESS AT 7641 WYDOWN BOULEVARD

City Manager Owens reported that Polygrin, LLC DBA Manhattan Express is requesting a liquor license to sell 5% beer and not to exceed 14% wine at retail by the drink, including Sundays, at 7641 Wydown Blvd., Clayton, MO 63105. Liquor licenses for retail sales of beer and wine by the drink include the ability for the applicant to sell packaged liquor at their establishment. This business also has requested the ability to deliver packaged liquor. This license also allows delivery if the sale is completed by phone or in person at the establishment, is delivered by someone age 21 or older, and the deliverer verifies the purchaser's age to be 21 or older.

The Police Department has completed its review of the application and supports the issuance of the requested license. The Planning and Development department has also approved the application with no objections.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell 5% beer and not to exceed 14% wine at retail by the drink, including Sundays.

In response to the Board's questions, Tatyana Grinko, owner, stated that they purchased the business from the former owner and will maintain the current menu and recipe. She stated that deliveries that include alcohol will be delivered by employees who are age 21 (or older) and that restaurant staff will check to make sure that the customer is of legal age.

City Manager Owens added that any complaints will be investigated by the police department.

Alderman Harris moved to approve a liquor license for Manhattan Express. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

AN ORDINANCE TO CONSIDER AUTHORIZING THE CITY MANAGER TO ENTER INTO A MUTUAL AID AGREEMENT FOR PUBLIC WORKS SERVICES

City Manager Owens reported that last year, Public Works was called upon to provide services to help ensure safe demonstrations in the City of Clayton. Given the magnitude and extent of services required, the need for resources far outstripped the resources of the department. The department was able to borrow some barriers from the City of Chesterfield, but had to rent or buy several pieces of equipment and barriers.

A mutual aid agreement with other communities would have made it easier to know what resources were available and acquire needed equipment from those entities.

Several cities in St. Louis County currently have a mutual aid agreement and are amiable to other entries becoming parties to the agreement.

Passage of this ordinance is necessary to authorize the execution of the mutual aid agreement.

Recommendation is to approve the ordinance authorizing the City Manager to enter into an agreement for Mutual Aid for Public Works Services.

In response to the Board's questions, Dale Houdeshell stated that for future planning this agreement further formalizes the services if/when needed. If and when aid is required he anticipates reimbursable costs (equipment, staff, etc.) that are associated with the mutual aid services. He explained that the agreement involves several municipalities a little further outside the immediate area, but that is a good thing because if for example a tornado should impact surrounding (or closer) municipalities they could utilize aid from the outlying municipalities.

Alderman Harris introduced Bill No. 6481, an Ordinance to enter into a Mutual Aid Agreement for Public Works to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6481, An Ordinance Authorizing the City Manager to Enter Into a Mutual Aid Agreement for Public Works Services, for the first time by title only.

The motion passed unanimously on a voice vote.

Mayor Sanger moved that the Board give unanimous consent to consideration for adoption of Bill No. 6481 on the day of its introduction. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

Alderman Harris introduced Bill No. 6481, an Ordinance to enter into a Mutual Aid Agreement for Public Works to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O'Keefe reads Bill No. 6481, An Ordinance Authorizing the City Manager to Enter Into a Mutual Aid Agreement for Public Works Services, for the second time by title only.

Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6355 of the City of Clayton.

AN ORDINANCE TO CONSIDER APPROVING A PLEDGE AGREEMENT BETWEEN THE ERIC P. AND EVELYN F. NEWMAN FOUNDATION, THE SCHOOL DISTRICT OF CLAYTON, THE CLAYTON CENTURY FOUNDATION AND THE CITY OF CLAYTON FOR A CONTRIBUTION TO FUND IMPROVEMENTS TO MARK TWAIN CIRCLE, TO NOW BE TITLED “NEWMAN GREEN”

City Manager Owens reported that this is a Pledge Agreement that is intended to provide the City with the funds to make improvements to the 1.6 acre parcel of land outlined in Exhibit A of the document. As this property is partially owned by the City of Clayton (the “City”) and the School District of Clayton, the agreement is written as a four party agreement. The parties to the agreement include the Eric P. and Evelyn F. Newman Foundation (the “Donor”), the District, the Clayton Century Foundation (CCF), and the City.

The City’s Parks & Recreation Master Plan recommends that this site be improved due to its high visibility location in front of the District’s Administrative Offices and High School as well as its close proximity to Shaw Park. While the Master Plan itself calls for more improvements than are anticipated with this agreement, the goal of improving this open space is shared by all parties to the agreement.

This agreement outlines the following terms:

- The Donor would make a gift to the CCF of \$100,000.
- In consideration of their gift, the improved area will be designated as the “Newman Green” in honor of the donor’s family.
- The City would pay for and make improvements to the property that would include an irrigation system, a diverse collection of plantings and trees, two to four benches and general landscaping enhancements.
- CCF would make a grant to the City for all costs associated with the work.
- The District would consent to the City’s installation on their property in consideration of the City’s commitment to install the improvements.
- The City would maintain the property (with the exception of the area known as Centene Plaza) for the term of the agreement which is twenty-five years.
- CCF will make grants to the City to the extent needed to fund regular and necessary maintenance of the site.
- The District will allow the irrigation system to connect to the District’s water service and will pay for and supply all water used for irrigation during the term of the agreement.
- The City and District agree that during the initial term of the agreement they will respectively preserve the area as open and passive in usage.

If approved by all parties, this work would begin promptly with a target completion timeline of July 31, 2015. Staff recommendation is to approve the Pledge Agreement for improvements to Mark Twain Circle as submitted.

In response to Alderman Lintz’ question regarding the art work and the Public Art Advisory Committee involvement, Alderman Harris confirmed that the art aspect of the project has been removed.

Alderman Harris introduced Bill No. 6482, an ordinance to consider approving an agreement between the Eric P. and Evelyn F. Newman Foundation, the Clayton School District, the Clayton Century Foundation and the City of Clayton for a contribution to fund improvements to Mark Twain Circle, to be read for the first time by title only. Alderman Garnholz seconded.

City Attorney O’Keefe reads Bill No. 6482, an Ordinance Approving a Pledge Agreement Between the Eric P. and Evelyn F. Newman Foundation, the School District of Clayton, the Clayton Century Foundation and the City of Clayton for a Contribution to Fund Improvements to Mark Twain Circle, to Now Be Titled “Newman Green” for the first time by title only.

The motion passed unanimously by a voice vote.

Mayor Sanger moved that the Board give unanimous consent to consideration for adoption of Bill No. 6482 on the day of its introduction. Alderman Garnholz seconded.

The motion passed unanimously by a voice vote.

Alderman Harris introduced Bill No. 6482, an ordinance to consider approving an agreement between the Eric P. and Evelyn F. Newman Foundation, the Clayton School District, the Clayton Century Foundation and the City of Clayton for a contribution to fund improvements to Mark Twain Circle, to be read for the second time by title only. Alderman Garnholz seconded.

City Attorney O’Keefe reads Bill No. 6482, an Ordinance Approving a Pledge Agreement between the Eric P. and Evelyn F. Newman Foundation, the School District of Clayton, the Clayton Century Foundation and the City of Clayton for a Contribution to Fund Improvements to Mark Twain Circle, to Now Be Titled “Newman Green” for the second time by title only.

Alderman Harris commented that this is another great example of collaboration between entities.

Mayor Sanger received clarification as to the location of the project.

Alderman Harris – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; And Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6356 of the City of Clayton.

A RESOLUTION TO CONSIDER APPROVING A CHANGE OF THE PAYING AGENT FOR THE BUILD AMERICA BONDS, SERIES 2009A AND 2009B

City Manager Owens reported that when the City passed the two recent bond issues, the City entered into an escrow trust agreement with UMB Bank, N.A. (“UMB”) to serve as the City’s escrow agent. This agreement named UMB as the escrow agent on the new bond issues, as well as provided authority for UMB to act as paying agent on all outstanding City bond issues. The reason the City would want to combine to only one paying agent is for efficiency in sending large transfers of funds for bond payments, centralized communication of important information, and the need to assure our continuing disclosure requirements are met with only one entity.

There are two remaining bond issues, Build America Bonds Series 2009A and 2009B, which are still registered with the previous paying agent. These bonds are currently registered with The Bank of New York Mellon Trust Company, N.A. (successor to BNY Trust Company of Missouri and the Bank of New York Trust Company, N.A.) (“BNY”).

The attached resolution authorizes the City to execute the necessary documents to transfer the paying agent from BNY to UMB on the Build America Bonds.

Staff recommends approving the attached resolution transferring the paying agent from BNY to UMB for the Build America Bonds, Series 2009A and 2009B.

Alderman Harris moved to approve Resolution No. 15-02, to change the paying agent for the Build America Bonds, Series 2009A and 2009B. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

TO CONSIDER AN APPOINTMENT TO THE SUSTAINABILITY COMMITTEE

City Manager Owens reported that Due to a recent resignation of a member of the Sustainability Committee Ward 1 has nominated George Hettich to be appointed to serve a three-year term ending June 30, 2018. Recommendation is to approve the appointment.

Alderman Lintz stated that he and Alderman Boulton met with Mr. Hettich who had expressed an interest to serve the community.

In response to Alderman Winings' question regarding filling an unexpired term, City Clerk Frazier confirmed that he was correct and that Mr. Hettich would be completing an unexpired term instead of a three-year term. She would make this correction and provide the information to the Board.

Alderman Harris moved to appoint George Hettich to the Sustainability Committee. Alderman Garnholz seconded.

The motion passed unanimously on a voice vote.

Other

Alderman Harris updated the Board on the St. Louis County Municipal League providing a brief summary of the following reports/studies: *Sales Tax in Missouri: Revision or Reinvention?*; *Tax Increment Financing in St. Louis County: 2000-2012*; *Best Practices: An Overview of Current Policies and Strategies for Improving Municipal Efficiency*; and *The St. Louis County Boundary Commission: Its Impact on Annexations and Incorporations*. She noted that all of the studies can be found on the website and she would send the link to the Board.

Alderman Garnholz reported on the following:

1. At the Parks and Recreation Commission meeting Patty DeForrest gave a presentation of the design for the North Entry into Shaw Park. The features included a fountain with a small pond and drainage "stream," benches, and landscaping. She said that \$500,000 has been received contingent upon approval. She stressed that a process will be put into place and that a steering committee will be formed as they move ahead.

Alderman Harris commented that a donor has committed to the \$3 million cost of the project, but again stressed that it will go through a thorough process including public engagement.

Alderman Berger expressed his concerns that the project at this corner location has been greatly extended beyond what the Board reviewed over a year ago.

Alderman Garnholz continued her report:

2. The Frontenac Racquet Club has committed to managing the tennis center for another three years.
3. The St. Louis Artist's Guild is moving into the former Ivey-Selkirk location on Forsyth.
4. A grant has been received for a Parks Open Space Analysis.
5. A grant has been received for the Taylor Park Survey.

Alderman Winings mentioned that it has been a slow time of year for the Plan Commission/ARB and that the last two meetings have been cancelled due to lack of agenda items.

Aldermen Lintz reported that the Clayton Century Foundation met in January and discussed the following:

1. The Foundation is working on setting up a heritage/history display at the Center of Clayton.
2. The Foundation is in the process of talking with families to seek donations/gifts in honor of weddings, anniversaries, birthdays, etc.
3. Alderman Lintz and Alderman Harris provided an economic development and PAAC summary/overview report to the Foundation members.

Mayor Sanger reminded everyone about the Clayton Chamber of Commerce Annual Awards meeting.

City Manager Owens introduced new staff member George Ertle, Assistant to the City Manager.

City Manager Owens provided/recommended a book, *The Imperfect Board Member* to the Board and staff.

There being no further business the meeting was adjourned at 7:40 p.m.

Mayor

ATTEST:

City Clerk